



General Assembly

**Substitute Bill No. 410**

January Session, 2005

\* SB00410APP 052505 \*

**AN ACT CONCERNING FARM LAND PRESERVATION, LAND PROTECTION, AFFORDABLE HOUSING AND HISTORIC PRESERVATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2005*) (a) For the purposes of this  
2 section, "agricultural land" means land containing prime or state-wide  
3 important soils as identified by the United States Natural Resources  
4 Conservation Service and "shellfish grounds" means areas designated  
5 on shellfish maps prepared by the Department of Agriculture or a  
6 municipality.

7 (b) No state funds or federal funds administered by the state shall  
8 be used to encourage or facilitate the conversion of agricultural land or  
9 active shellfish grounds to nonagricultural or nonaquaculture uses  
10 without mitigation in accordance with the provisions of subsection (c)  
11 of this section, except that the provisions of said subsection (c) shall  
12 not apply to (1) conversions for a different agricultural purpose, and  
13 (2) conversion of less than one acre of shellfish grounds for the  
14 purpose of residential utility installation other than a facility, as  
15 defined in section 16-50i of the general statutes, requiring a certificate  
16 pursuant to section 16-50k of the general statutes or approval of the  
17 Federal Energy Regulatory Commission shall be exempt from this  
18 section.

19 (c) Mitigation may be accomplished by (1) purchase by the state or  
20 granting to the state of a permanent agricultural conservation  
21 easement on an equivalent amount of agricultural land of comparable  
22 or better soil quality in the community within which the acreage being  
23 converted is located; or (2) if no comparable agricultural land is  
24 available for an agricultural conservation easement as provided in  
25 subdivision (1) of this section, a monetary payment, equivalent to the  
26 value of the development rights on the acreage being converted, paid  
27 to the General Fund and used for the program for the preservation of  
28 agricultural land established pursuant to chapter 422a of the general  
29 statutes.

30 (d) There is established an interagency committee to advise the  
31 Commissioner of Agriculture on implementation of the provisions of  
32 this section. The committee shall be comprised of the State Properties  
33 Review Board, the Secretary of the Office of Policy and Management  
34 and the Departments of Agriculture, Environmental Protection,  
35 Transportation, Correction, Economic and Community Development,  
36 Education and Mental Retardation. The Commissioner of Agriculture  
37 shall serve as chairperson of said committee and shall convene the  
38 committee as often as said commissioner deems necessary. The  
39 commissioner may adopt regulations, in accordance with the  
40 provisions of chapter 54 of the general statutes, to implement the  
41 provisions of this section.

42 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of  
43 Agriculture shall compile an inventory of land owned by the state  
44 containing prime agricultural or state-wide important soils identified  
45 by the United States Natural Resources Conservation Service.

46 (b) In consultation with the Connecticut Council for Agricultural  
47 Development and the agencies that manage properties listed in the  
48 inventory prepared under subsection (a) of this section, the  
49 commissioner shall determine which lands identified on the inventory  
50 are important for current and future agricultural use and should be  
51 permanently protected from conversion to nonagricultural use. The

52 commissioner shall notify the State Bond Commission and any affected  
53 agencies of each such determination.

54 (c) In the event of a sale or transfer of ownership of any agricultural  
55 land determined to be important for current or future agricultural use  
56 under subsection (b) of this section, at or before the time of transfer of  
57 ownership of such land, the development rights to the land shall be  
58 retained by the state and a permanent agricultural conservation  
59 easement held through the state program for the preservation of  
60 agricultural land established pursuant to chapter 422a of the general  
61 statutes.

62 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) The Department of  
63 Agriculture shall establish and administer a program of matching  
64 grants to municipalities to further agricultural viability. Such grants  
65 may be used for the following purposes: (1) The purchase of  
66 development rights, to be held jointly by the state and the  
67 municipality; (2) local capital projects that foster agricultural viability,  
68 including, but not limited to, processing facilities and farmers markets;  
69 and (3) the development and implementation of agriculturally-friendly  
70 land use regulations and local farm land protection strategies that  
71 sustain and promote local agriculture.

72 (b) On or before January 31, 2006, the Connecticut Council for  
73 Agricultural Development, in consultation with municipal entities,  
74 shall develop and recommend criteria for implementation of the grant  
75 program to be used by the department in making grants under this  
76 section.

77 Sec. 4. Section 22-26e of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective from passage*):

79 (a) There is hereby established a [Governor's] Connecticut Council  
80 for Agricultural Development [for advisory purposes only,] consisting  
81 of not more than [thirty] twenty-one members. The council shall be  
82 within the Department of Agriculture for administrative purposes  
83 only. The Commissioner of Agriculture shall be [chairman] a member

84 of said council. The Governor shall appoint [twelve] eight council  
85 members from a list provided by the Commissioner of Agriculture of  
86 persons representative of agricultural activities in the state, including  
87 agricultural production, processing, marketing, sales, education, farm  
88 land preservation and trade associations. The speaker of the House of  
89 Representatives, the president pro tempore of the Senate and the  
90 majority leader and minority leader of each house of the General  
91 Assembly shall each appoint two council members.

92 (b) (1) The council shall provide advice to the Department of  
93 Agriculture concerning the development, diversification and  
94 promotion of agricultural products, programs and enterprises in this  
95 state and shall provide for an interchange of ideas from the various  
96 commodity groups and organizations represented.

97 (2) The council shall evaluate the status of farm land protection  
98 programs and efforts in the state. The evaluation shall include a review  
99 of (A) the acreage goals for farm land preservation identified in the  
100 state plan of conservation and development prepared pursuant to  
101 chapter 297 and progress in meeting such goals, and (B) the  
102 effectiveness of the state program for the preservation of agricultural  
103 lands authorized under chapter 422a in ensuring a supply of  
104 affordable farm land for current and future generations of farmers and  
105 the role of the open space and watershed land acquisition program  
106 established under section 7-131d in preserving farm land. On or before  
107 January 31, 2006, and annually thereafter, the council shall submit a  
108 report detailing its findings and recommendations to the Governor  
109 and the joint standing committees of the General Assembly having  
110 cognizance of matters relating to the environment and to  
111 municipalities. Such report shall include recommendations for  
112 administration of farm land preservation, including, but not limited to,  
113 acreage goals and the amount of state financing needed to achieve  
114 such goals.

115 (c) The council shall meet at least once each calendar quarter. Any  
116 vacancy in the membership may be filled by the Governor. The

117 members shall serve without compensation or reimbursement for  
118 expenses. Any member absent from more than two meetings in a year  
119 shall be deemed to have resigned. The chairman of the council shall be  
120 elected by a majority of the members appointed.

121 Sec. 5. Subsection (a) of section 22-26jj of the general statutes is  
122 repealed and the following is substituted in lieu thereof (*Effective from*  
123 *passage*):

124 (a) The Commissioner of Agriculture, with the approval of the State  
125 Properties Review Board, may acquire [, prior to July 1, 1995,] by  
126 purchase or accept as a gift, on behalf of the state, the fee simple title of  
127 any agricultural real property and any personal property related to  
128 such real property, including, but not limited to, machinery,  
129 equipment, fixtures and livestock. The state conservation and  
130 development plan established pursuant to chapter 297 shall be used as  
131 an advisory document in connection with acquisition of such property.  
132 The commissioner, in deciding whether or not to acquire such  
133 property, shall consider all of the factors stated in section 22-26cc and  
134 shall further consider the likelihood of subsequent sale of such  
135 property by the department for agricultural purposes, subject to the  
136 state's retention of development rights. After a preliminary evaluation  
137 of such factors, the Commissioner of Agriculture shall obtain and  
138 review one or more fee appraisals of the property in order to  
139 determine the value of such property. Each such appraisal shall  
140 include an itemization of (1) the total value of the land, (2) the value of  
141 the land as agricultural land, (3) the value of the development rights of  
142 the land, and (4) the value of any related personal property proposed  
143 to be included in any sale. The commissioner shall give notice of any  
144 such appraisal to the Departments of Transportation, Economic and  
145 Community Development and Environmental Protection and the  
146 Office of Policy and Management. Any such appraisal may be obtained  
147 by the owner of the property and, if performed in a manner approved  
148 by the commissioner, shall be considered by the commissioner in  
149 making such determination. The commissioner may purchase such  
150 property for a lesser price than any price suggested by any such

151 appraisal provided all considerations for acquisition specified in this  
152 subsection are taken into account. In determining the value of the  
153 property, consideration shall be given to sales of comparable  
154 properties in the general vicinity.

155 Sec. 6. Section 22-26hh of the general statutes is repealed and the  
156 following is substituted in lieu thereof (*Effective July 1, 2005*):

157 (a) The State Bond Commission shall have power, from time to time,  
158 to authorize the issuance of bonds of the state in one or more series  
159 and in principal amounts not exceeding in the aggregate [eighty-nine]  
160 ninety-nine million [seven hundred fifty thousand] dollars, the  
161 proceeds of which shall be used for the purposes of section 22-26cc,  
162 provided not more than [two] ten million dollars of said authorization  
163 shall be effective July 1, 2004, and further provided not more than two  
164 million dollars shall be used for the purposes of section 22-26jj, as  
165 amended by this act. All provisions of section 3-20, or the exercise of  
166 any right or power granted thereby which are not inconsistent with the  
167 provisions of this section are hereby adopted and shall apply to all  
168 bonds authorized by the State Bond Commission pursuant to this  
169 section, and temporary notes in anticipation of the money to be  
170 derived from the sale of any such bonds so authorized may be issued  
171 in accordance with said section 3-20 and from time to time renewed.  
172 Such bonds shall mature at such time or times not exceeding twenty  
173 years from their respective dates as may be provided in or pursuant to  
174 the resolution or resolutions of the State Bond Commission authorizing  
175 such bonds. None of said bonds shall be authorized except upon a  
176 finding by the State Bond Commission that there has been filed with it  
177 a request for such authorization, which is signed by or on behalf of the  
178 Secretary of the Office of Policy and Management and states such  
179 terms and conditions as said commission, in its discretion, may  
180 require. Said bonds issued pursuant to this section shall be general  
181 obligations of the state and the full faith and credit of the state of  
182 Connecticut are pledged for the payment of the principal of and  
183 interest on said bonds as the same become due, and accordingly and as  
184 part of the contract of the state with the holders of said bonds,

185 appropriation of all amounts necessary for punctual payment of such  
186 principal and interest is hereby made, and the Treasurer shall pay such  
187 principal and interest as the same become due.

188 (b) To the extent there is a balance of bonds authorized but not  
189 allocated by the State Bond Commission on or after July 1, 2004,  
190 pursuant to subsection (a) of this section, for the purposes of section  
191 22-26jj, as amended by this act, the State Bond Commission shall  
192 authorize the issuance of such balance in one installment in each fiscal  
193 year commencing with the fiscal year ending June 30, 2005.

194 Sec. 7. (NEW) (*Effective July 1, 2005*) (a) There is established a Farm  
195 Reinvestment Program which shall be administered by the  
196 Department of Agriculture. Grants shall be made to farmers for  
197 diversification and transitioning to value added agricultural  
198 production and sales and for developing farm markets and other  
199 venues in which a majority of products sold are grown in the state.

200 (b) The Commissioner of Agriculture shall adopt regulations, in  
201 accordance with the provisions of chapter 54 of the general statutes, for  
202 the administration of the program established by this section. Such  
203 regulations shall require the development of business plans.

204 Sec. 8. Section 7-34a of the general statutes is amended by adding  
205 subsection (e) as follows (*Effective July 1, 2005*):

206 (NEW) (e) In addition to the fees for recording a document under  
207 subsection (a) of this section, town clerks shall receive a fee of thirty  
208 dollars for each document recorded in the land records of the  
209 municipality. The town clerk shall retain one dollar of any fee paid  
210 pursuant to this subsection and three dollars of such fee shall become  
211 part of the general revenue of the municipality and used to pay for  
212 local capital improvement projects, as defined in section 7-536 of the  
213 general statutes. Not later than the fifteenth day of each month, town  
214 clerks shall remit twenty-six dollars of the fees paid pursuant to this  
215 subsection during the previous calendar month to the State Treasurer.  
216 Upon deposit in the General Fund, such amount shall be credited to

217 the land protection, affordable housing and historic preservation  
 218 account established pursuant to section 9 of this act. The provisions of  
 219 this subsection shall not apply to any document recorded on the land  
 220 records by an employee of the state or of a municipality in conjunction  
 221 with said employee's official duties. As used in this subsection,  
 222 "municipality" includes each town, consolidated town and city, city,  
 223 consolidated town and borough, borough, district, as defined in  
 224 chapter 105 or 105a, and each municipal board, commission and taxing  
 225 district not previously mentioned.

226 Sec. 9. (NEW) (*Effective July 1, 2005*) There is established, within the  
 227 General Fund, a separate, nonlapsing account to be known as the "land  
 228 protection, affordable housing and historic preservation account". The  
 229 account shall contain any moneys required by law to be deposited in  
 230 the account. The moneys in said account shall be distributed as  
 231 follows: Twenty-five per cent to the Historic Preservation Council for  
 232 on-going maintenance to the physical plant of historic sites; twenty-  
 233 five per cent to the Connecticut Housing Finance Authority to  
 234 supplement new or existing affordable housing programs; twenty-five  
 235 per cent to the Department of Agriculture for farm land preservation  
 236 programs and twenty-five per cent to the Department of  
 237 Environmental Protection for municipal open space grants.

238 Sec. 10. (*Effective July 1, 2005*) The sum of five hundred thousand  
 239 dollars is appropriated to the Department of Agriculture, from the  
 240 General Fund, for the fiscal year ending June 30, 2006, for grants to  
 241 farmers pursuant to section 7 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>from passage</i>	22-26e
Sec. 5	<i>from passage</i>	22-26jj(a)
Sec. 6	<i>July 1, 2005</i>	22-26hh



Sec. 7	<i>July 1, 2005</i>	New section
Sec. 8	<i>July 1, 2005</i>	7-34a
Sec. 9	<i>July 1, 2005</i>	New section
Sec. 10	<i>July 1, 2005</i>	New section

***PD***      *Joint Favorable Subst.*

***ENV***      *Joint Favorable*

***ED***      *Joint Favorable*

***FIN***      *Joint Favorable*

***APP***      *Joint Favorable*